

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**DARRAN LANG, et al.**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 4:20-CV-30-DMB-RP**

**NATHAN “BURL” CAIN, et al.**

**DEFENDANTS**

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**MDOC DEFENDANTS’ MOTION TO DISMISS  
OR ALTERNATIVELY CONSOLIDATE ACTIONS**

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The Mississippi Department of Corrections (“MDOC”) Defendants<sup>1</sup> file this Motion respectfully requesting that the Court: (1) dismiss this action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Plaintiffs’ counsel filed it in direct contravention of the Court’s order in *Amos v. Taylor*, No. 4:20-cv-07-DBB-JMV, to refrain from amending their complaint or otherwise adding plaintiffs; or (2) in the alternative, if the Court chooses not to dismiss this action, consolidate this action into *Amos* pursuant to Rule 42(a) because they are both putative class actions that involve common questions of law and factual allegations.

In support, the MDOC Defendants rely on the arguments and authorities set forth in their accompanying Memorandum of Law, as well as the following exhibits:

- Exhibit 1 – Excerpts from Transcript of February 3, 2020 Hearing; and
- Exhibit 2 – Correspondence between Counsel.

The MDOC Defendants request such other and further relief as the Court deems just and appropriate under the circumstances.

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<sup>1</sup> The MDOC Defendants are: Nathan “Burl” Cain, in his official capacity as MDOC Commissioner; Jeworski Mallett, in his official capacity as MDOC Deputy Commissioner of Institutions; Timothy Morris, in his official capacity as Superintendent/Area I Warden of the Mississippi State Penitentiary (“MSP”); Gloria Perry, in her official capacity as MDOC Chief Medical Officer; Brenda S. Cox, in her official capacity as MSP Area II Warden; and Sonja Stanciel, in her official capacity as MSP Chief of Security.

Date: September 4, 2020.

Respectfully submitted,

**NATHAN “BURL” CAIN, in his official capacity as Commissioner of the MDOC; JEWORSKI MALLETT, in his official capacity as Deputy Commissioner of Institutions for MDOC; TIMOTHY MORRIS, in his official capacity as Acting Superintendent/ Area I Warden of MSP; GLORIA PERRY, in her official capacity as Chief Medical Officer of MDOC; BRENDA S. COX, in her official capacity as Area II Warden at MSP; and SONJA STANCIEL, in her official capacity as Chief of Security at MSP**

By: /s/ Cody C. Bailey  
Cody C. Bailey, MSB #103718  
One of MDOC Defendants’ Attorneys

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**CERTIFICATE OF SERVICE**

I, Cody C. Bailey, hereby certify that on September 4, 2020, I caused the foregoing pleading to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record and registered participants.

*/s/ Cody C. Bailey*  
One of MDOC Defendants' Attorneys